

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

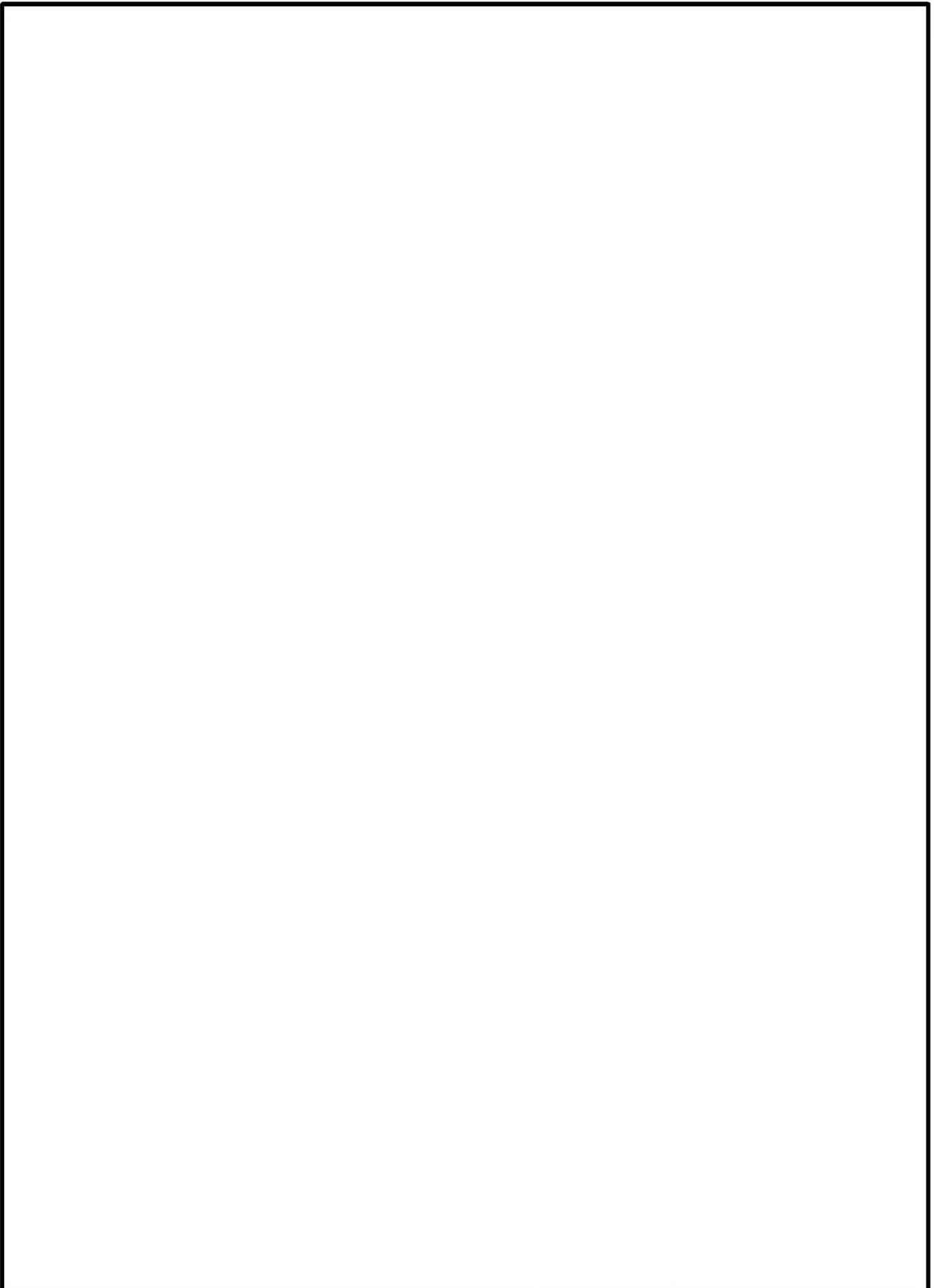
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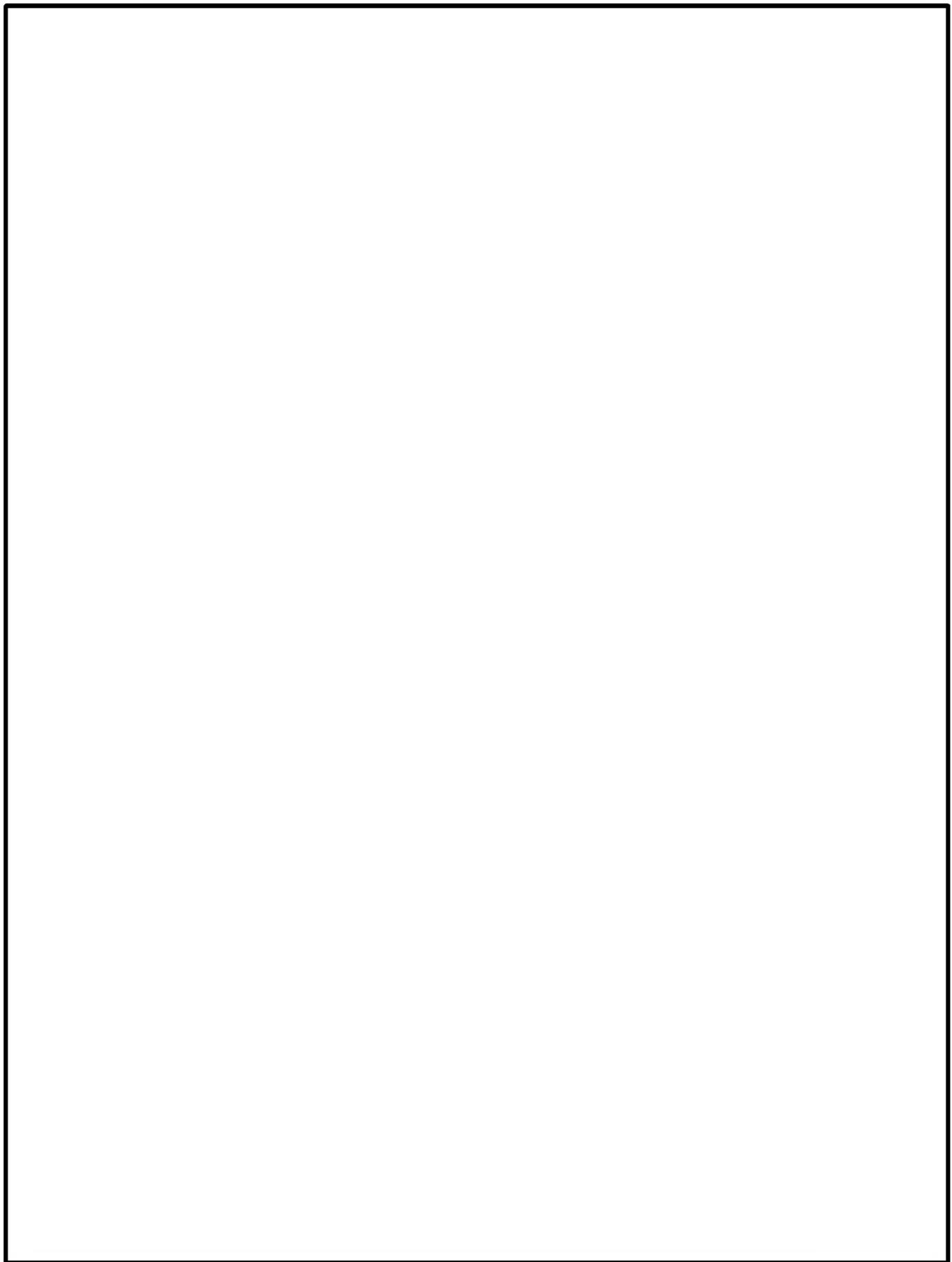
(b)(5)

**PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO DISMISS**

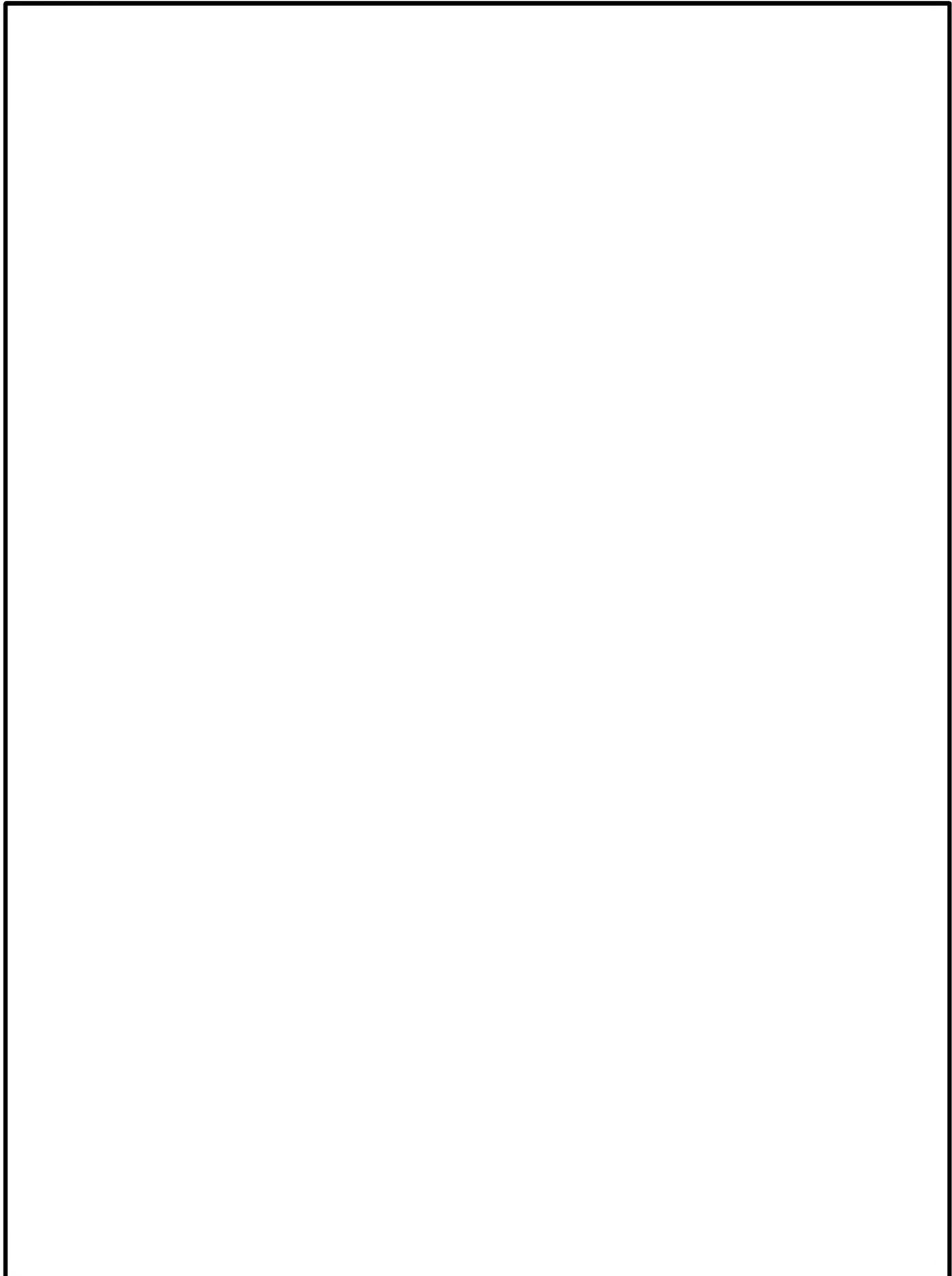
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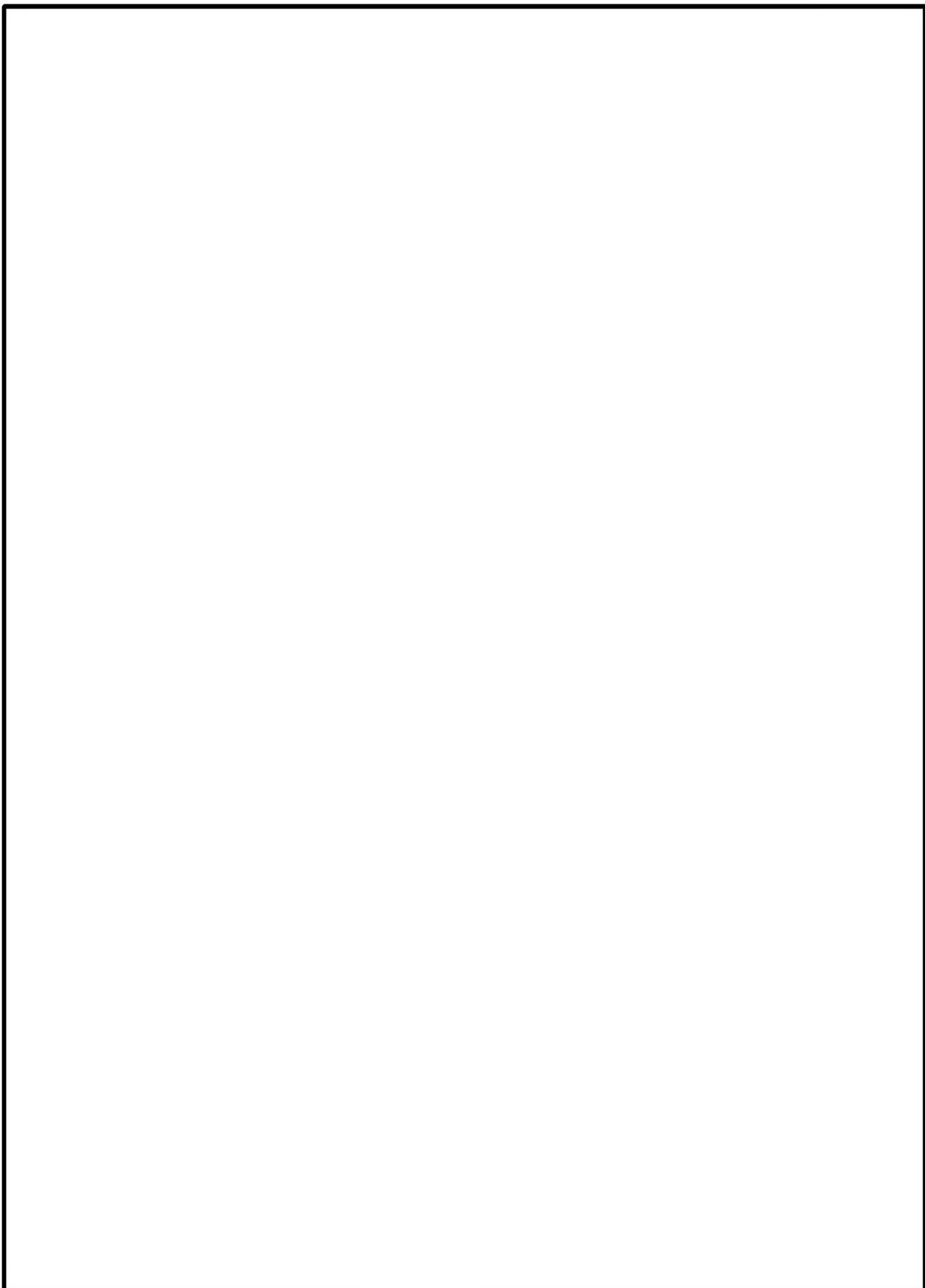
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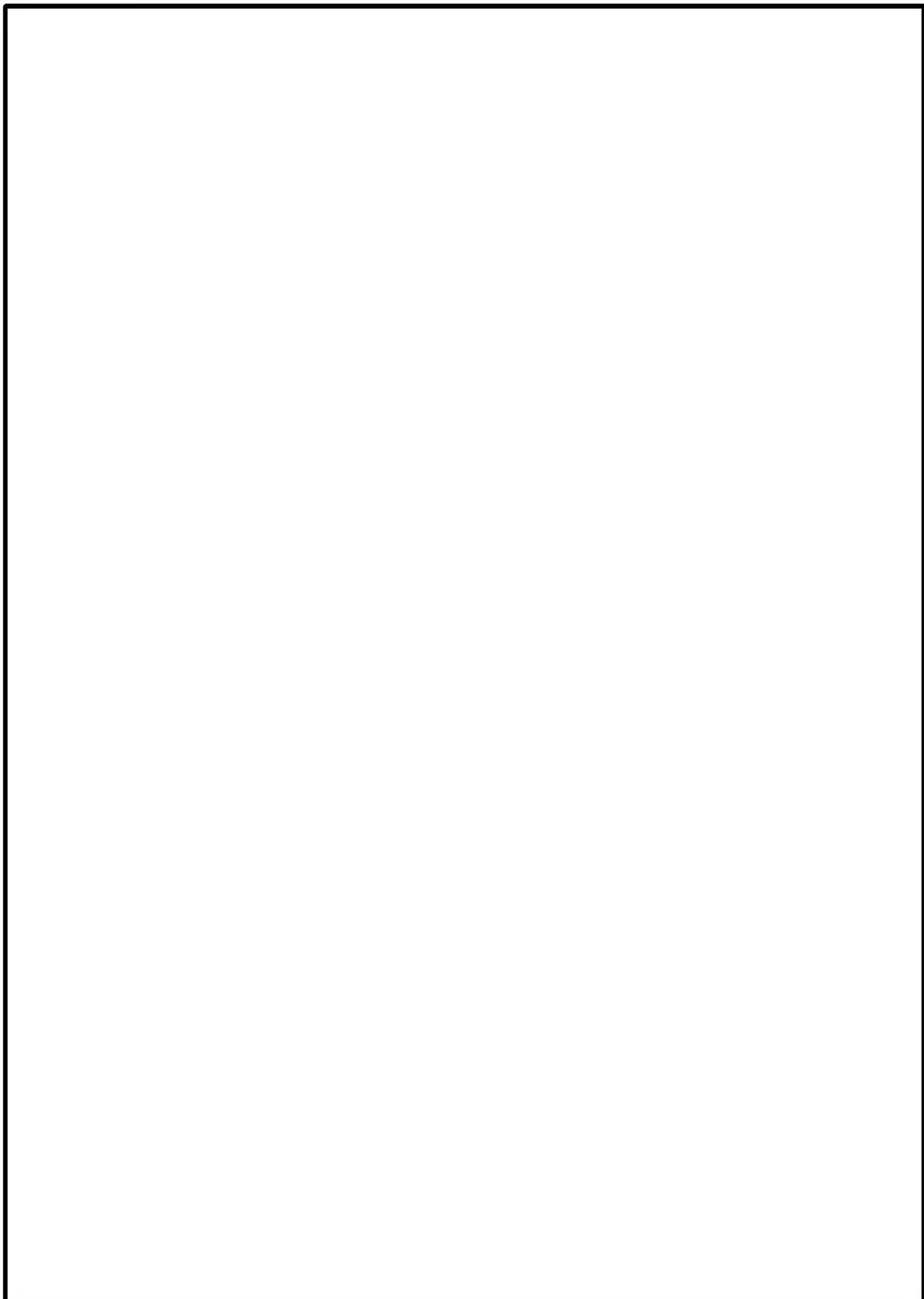
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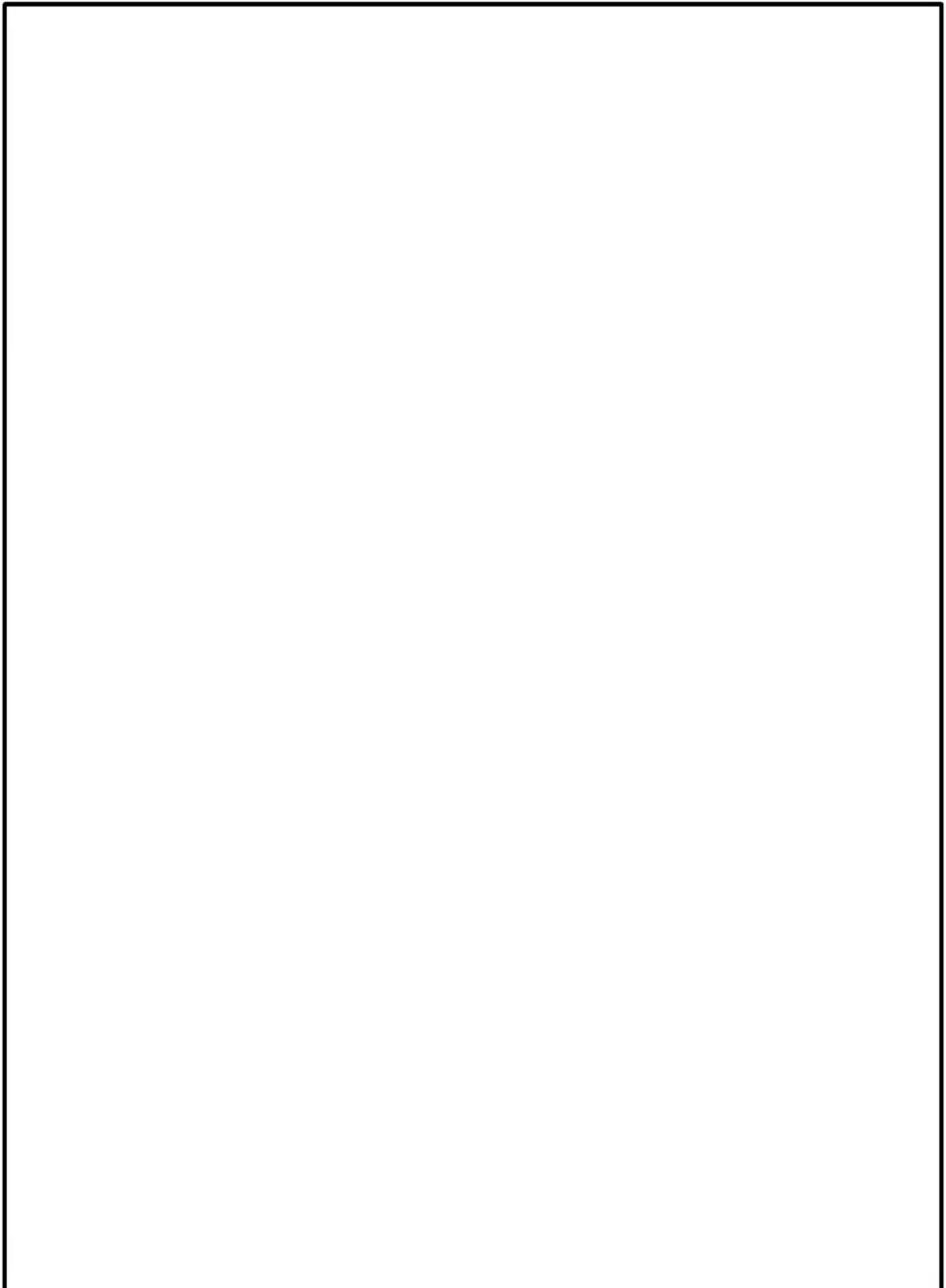
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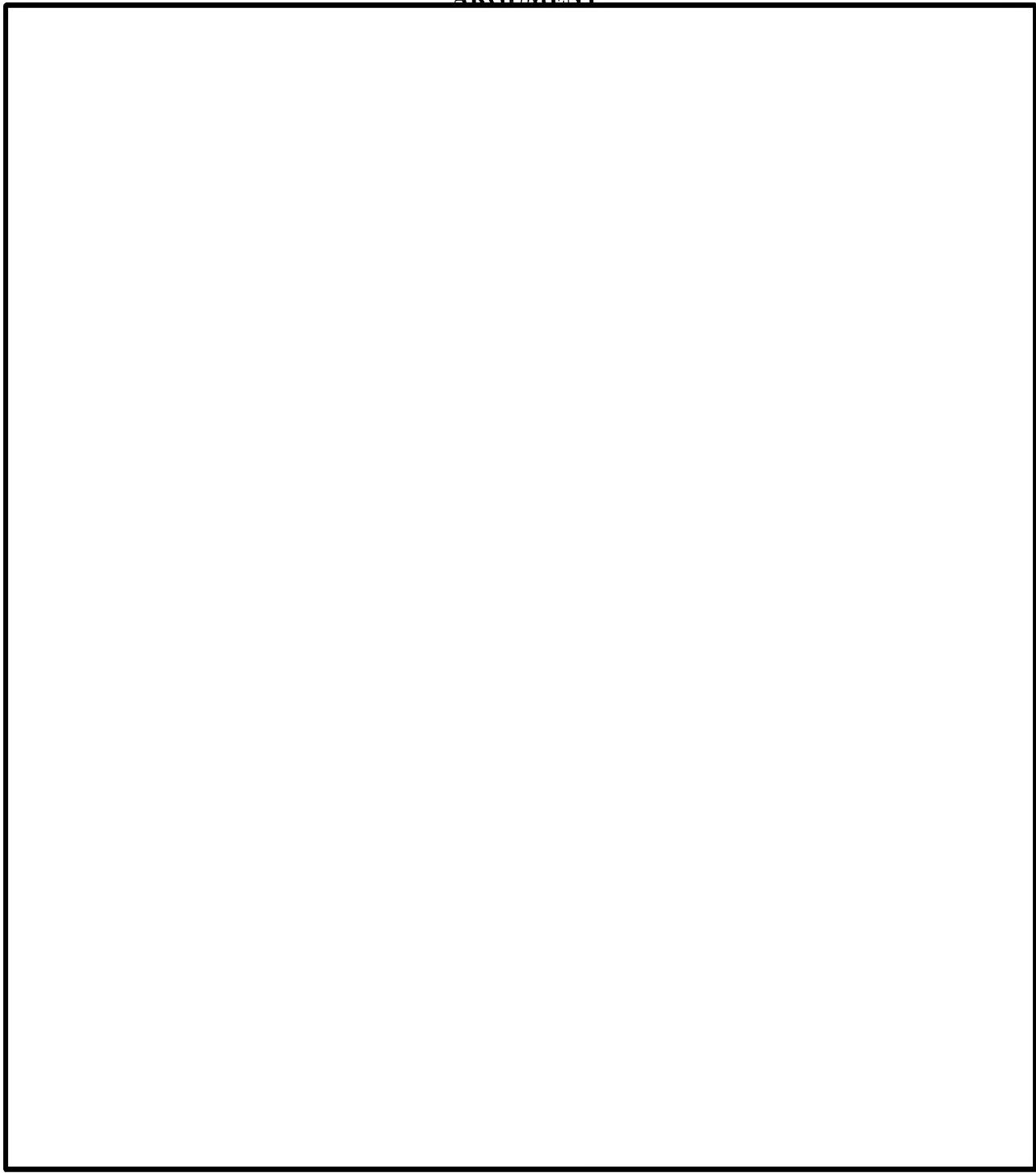
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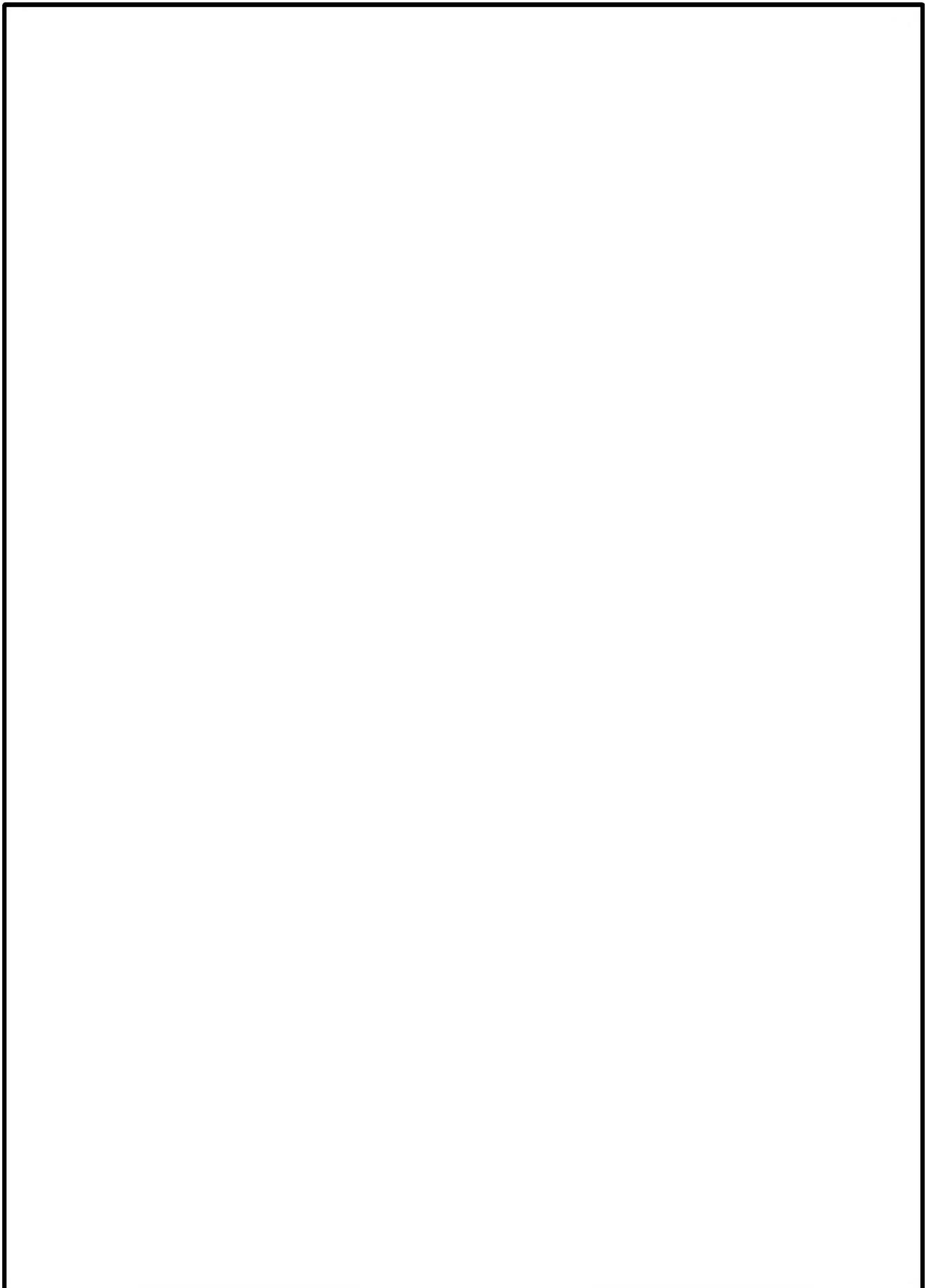
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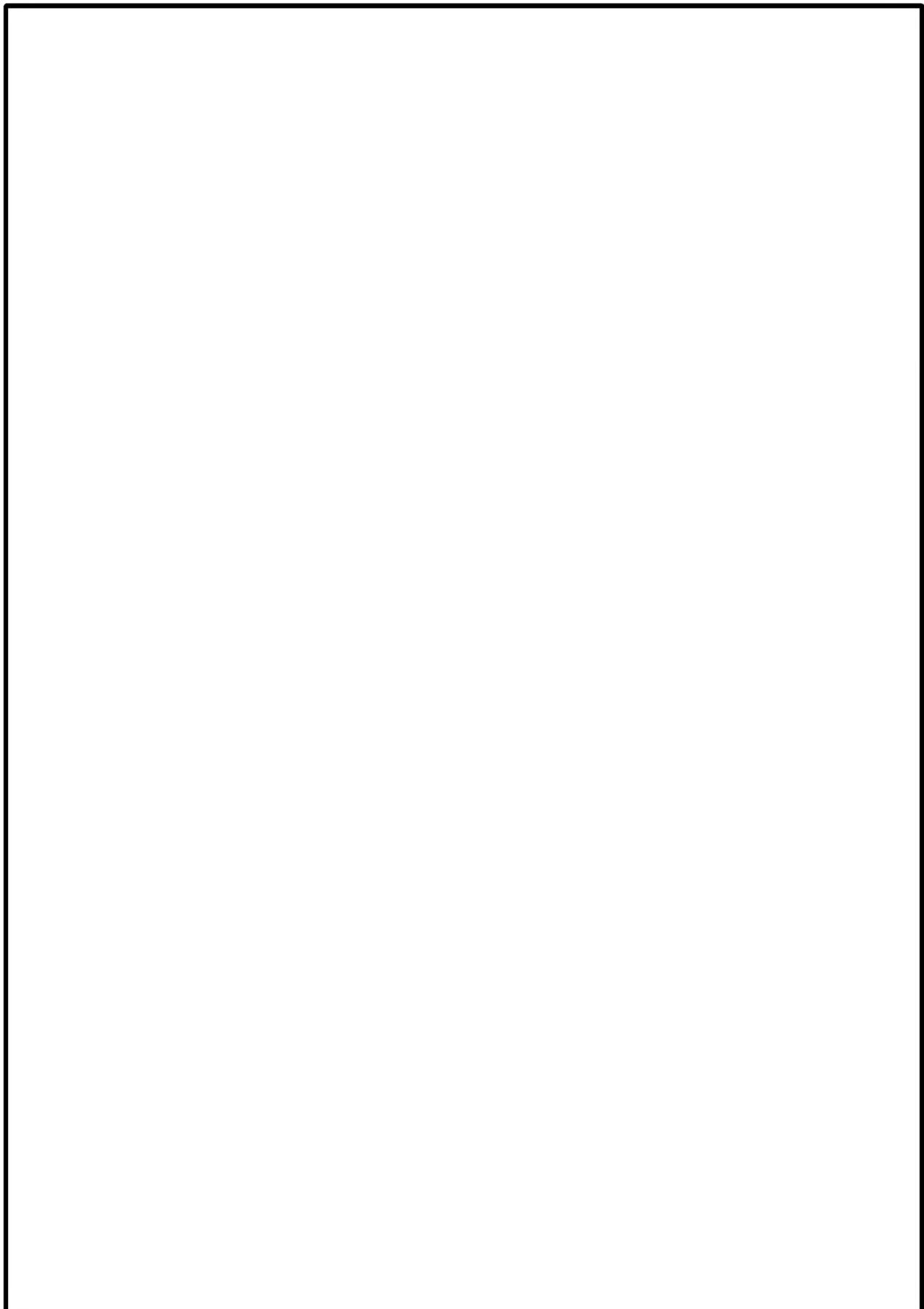
**ARGUMENT**



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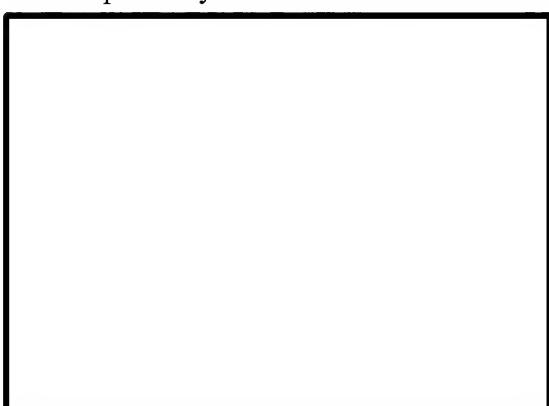


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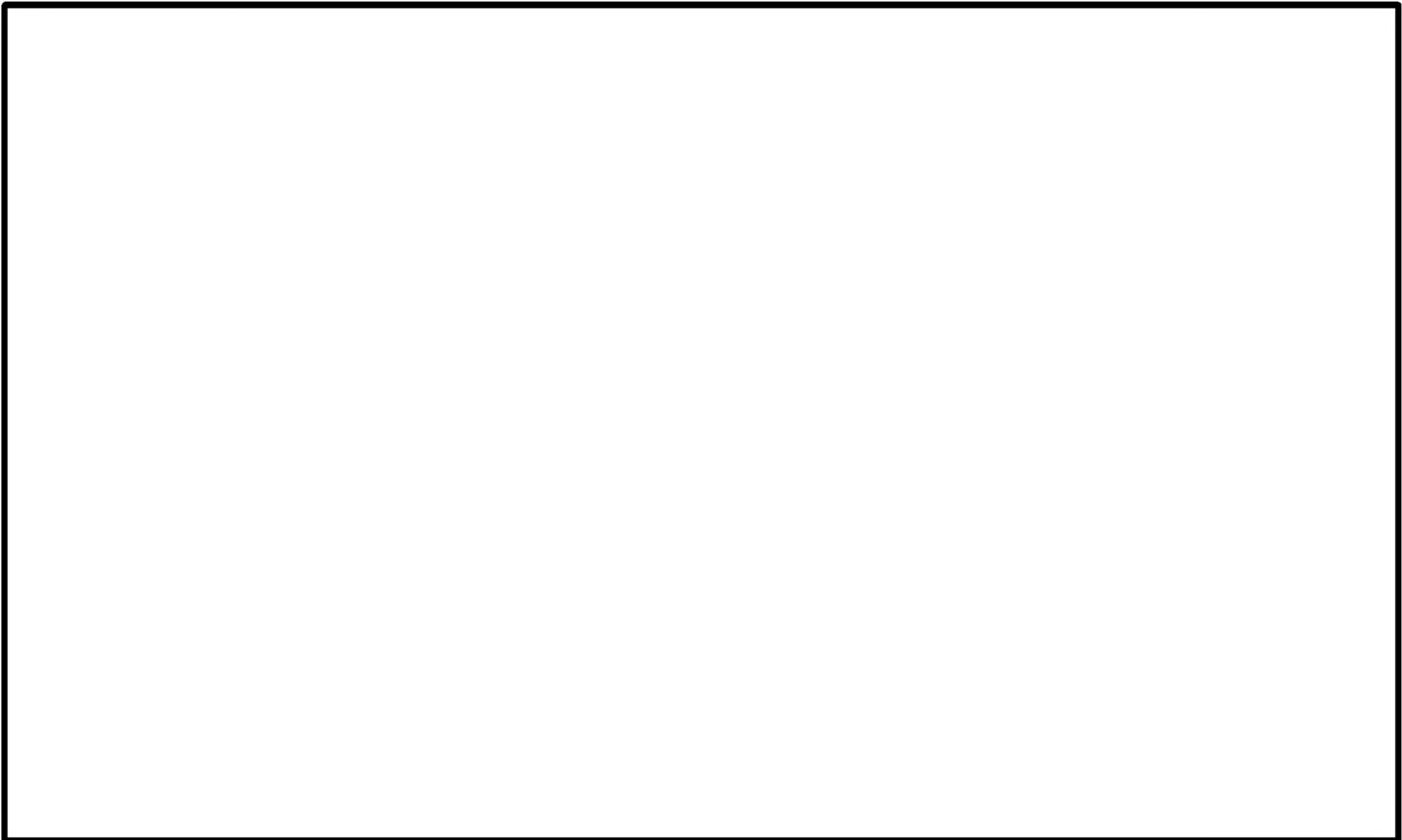


(b)(6)

Respectfully Submitted



(b)(5)



**From:** USCIS Immigrant Investor Program  
**To:** Conley, Sarah E  
**Cc:** Velasco, Gilda A  
**Subject:** FOIA request  
**Date:** Tuesday, May 23, 2017 7:01:39 AM  
**Attachments:** Fw USA need true leader ! Lawsuit filed at Ohio FederalCourt southern Branch to urge Federal Agency and Congress give results oninvestigation for presidential candidates.msg  
FW Qiaowai (GUARANTEED REDEMPTION).msg  
FW Qiaowai (GUARANTEED REDEMPTION).msg  
FW Qiaowai (GUARANTEED REDEMPTION).msg  
Fw USA need true leader ! Lawsuit filed at Ohio FederalCourt southern Branch to urge Federal Agency and Congress give results oninvestigation for presidential candidates.msg

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FOIA Request

*S. Elizabeth (Liz) Conley*  
**Adjudications Officer**  
**I-829 Division**  
**Immigrant Investor Program**  
**Field Operations Directorate/USCIS/DHS**

(b)(6) 

**From:** hellen wang  
**To:** Cummings, Kevin J; USCIS, CDJ; Linnan, Raymond J; [sandra.m.heathman@uscis.dhs.gov](mailto:sandra.m.heathman@uscis.dhs.gov); Siegl, Mark T; CSC NCSC Follow Up; Public, USCIS NBO; Public Engagement Feedback; D10CommunityRelations; MyEverify; NSCFollowup.NCSC; Pool, Christine A; Frankfurt, USCIS; Citizenship Office, USCIS; SCOPSRFE; NRC, FOIASIG; USCIS-ELIS-Feedback; Community Relations, Newark; CIS HISTORY LIBRARY; [t-u-wawatraining@uscis.dhs.gov](mailto:t-u-wawatraining@uscis.dhs.gov); NSC, CEO; Hamilton, Ricky W; CommunityRelations, Hawaii; SNA Inquiries; Public Engagement Feedback; [gement@uscis.dhs.gov](mailto:gement@uscis.dhs.gov); NBC Hague; [lceo.nsc2@uscis.dhs.gov](mailto:lceo.nsc2@uscis.dhs.gov); USCIS-Live.; E-VERIFY; USCIS, El Salvador; gmtadopt; SCOPSSCATA; USCIS Immigrant Investor Program; [child-citizenship-act@uscis.dhs.gov](mailto:child-citizenship-act@uscis.dhs.gov); CLM, Inquiry; CLE, Inquiry; USCIS-Feedback; [myuscis.support@uscis.dhs.gov](mailto:myuscis.support@uscis.dhs.gov); Inquiries, BKKCIS; turalizationinformationsessions@uscis.dhs.gov; CIN, Inquiry; INP, Inquiry; CSC StudentEAD; D23-CommunityRelations; USCIS FR Comment; LOU, Inquiry; District 12 Community Relations; Guangzhou, CIS; CSC R-1 Early Termination Notif; lockbox support; CSC NCSC Follow Up; NCSCFollowup, VSC; NSCFollowup.NCSC; PSC.ncscfollowup; NCSCfollowup, TSC; SCOPSSCATA; NBC Hague; NBC Adoptions; CIS HISTORY LIBRARY; Webmaster, USCIS; USCIS Espanol-Webmaster  
**Subject:** Fw: USA need true leader ! Lawsuit filed at Ohio FederalCourt southern Branch to urge Federal Agency and Congress give results oninvestigation for presidential candidates  
**Date:** Saturday, April 08, 2017 1:15:10 AM  
**Attachments:** [compln\\_Obama\\_etal.pdf](compln_Obama_etal.pdf)  
<detail.pdf>

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The following package hard copy with support materials arrived to all federal congress ( both senators and house ) , supreme court judges, governors, AG, judges of U.S. Court of Appeals , DNI, NSA, Army, and cabinet Secretary, director, all major media, etc.

Dear All

I filed Lawsuit at Federal Court Ohio Southern District Columbus Branch on 12/19 to urge Federal agency and congress give investigation result for presidential candidates including investigation on Trump NJ Rich Chinese EB5 urgent approved due to Hurricane Sandy with support of Obama, Accessory to murder investigation on Hillary Clinton and State Department, investigation on Trump daughter Ivaka best friend Wendi Deng, ex-wife of Murdoch, a top Chinese Spy and hate crime of Trump against Muslim. Summons has been mailed by court to all defendants.

Defendants including president Obama, vice president, FBI, CIA, Justice department, homeland security, State Department, SEC, Paul Ryan , Mitch McConnell , Reince Priebus, Mike Pence etc. Please see attached complain draft. ( Pictures and related material [https://www.facebook.com/HongWang-1744893469065358/?ref=aymt\\_homepage\\_panel](https://www.facebook.com/HongWang-1744893469065358/?ref=aymt_homepage_panel) )

USA need a true leader whom be approved could lead USA to a bright future ! A leader that believe in and loyal to God! I believe Ohio Governor John Kasich is THE person whom is picked by God!

Here are part of Ohio Governor's accomplishments:

In 2011, 1st Year of Governor John R. Kasich took office, Ohio faced historic challenges. Over 400,000 jobs were lost in the previous four years, unemployment peaked and remained at 10.6 percent between August 2009 and February 2010, and the state faced an \$8 billion budget shortfall. You could see Ohio Governor Accomplishment in 2011 for Job creation and budget balance etc.: Closing an \$8 billion shortfall without raising taxes while preserving the \$400 million annual income tax cut and cutting taxes \$300 million by eliminating the Estate Tax. Till 2013, after a Low of 89 Cents when Governor John Kasich took office in 2011, Ohio Rainy Day Fund Hits All-Time High -- \$1.5 billion.

I attached all 6 years Ohio Governor Accomplishments for you to review.

<http://www.governor.ohio.gov/PrioritiesandInitiatives/Accomplishments.aspx>

You are also welcome to watch this touching heart video :

John Kasich - The Greatness of America is in Us

<https://www.youtube.com/watch?v=bQvMtazw18w>

#Kasich4Us

Sincerely,

Hong Wang

On Thu, Jan 5, 2017 at 12:01 AM, hellen wang  
<[hellenwang2016@gmail.com](mailto:hellenwang2016@gmail.com)> wrote:

Attached please see the complaint.

Additional Defendants:

7.

John Kerry and State Department,  
2201 C Street, NW. Washington, DC  
20520

8.

The Securities and Exchange  
Commission (SEC)  
100 F Street, NE  
Washington, DC 20549

9.

Reince Priebus  
310 First Street SE, Washington, DC  
20003

10.

Paul Ryan, house speaker  
1233 Longworth House Office Building,  
Washington, DC 20515-4901

11. Sen. Mitch McConnell, senator leader  
317 Russell Senate Office Building,  
Washington, DC 20510

12. Mike Pence , Governor of Indiana,  
vice president elect.

Office of the Governor  
Statehouse  
200 W Washington St,  
Indianapolis, IN 46204

More statements :

A: Whether Clinton and State  
Department knew Genocide in  
China and hide the information  
submitted by wang lijun to US  
Embassy in China in 2012  
NTDTV recently interviewed Gary  
Locke before presidential voting  
and asked whether Wang lijun

submitted documents have organ harvesting related information, Ambassador Locke: "I am not at lib... I cannot say .. I am not going to confirm whether or not there were such documents." Why he cannot confirm? He can say NO if those documents not exist!!!!!! **Up to 1.5 million organ transplants may have taken place in China since 2000**, mostly harvested from Falun Gong prisoners of conscience, report says. (See attached documents)

B: Defendant Department of Justice did not explain why Donald Trump action to Muslim through entire election did not violate Hate Crime of US Law

C: Defendant Department of Justice did not explain, based on report, why Donald Trump NJ tower Rich Chinese EB5 urgent approved due to Hurricane Sandy with support of Obama did not violate any US law.

D: Plaintiff did not receive any response from any other defendants, especially on the national security issue with Donald Trump, his daughter Ivanka Trump best friend Wendi Deng, a top Chinese Spy. Plaintiff witness Donald Trump used a very similar method as Chairman Mao got the

power in China in 1949. It is called "using the rural areas to encircle the cities" using cheating, hate, etc. Thus Plaintiff think Chinese Communist Party interfere with US election by using Wendi Deng as spy. See attached newspaper Nine Commentaries on the communist Party.

E: Plaintiff thus cannot and did not vote. It violated plaintiff's right given by constitution and federal law.

The lawsuit was filed on 12/19 at Federal Court Ohio Southern District ( Columbus Branch) and summons has been mailed to defendants.

thanks

hong

On Wed, Nov 9, 2016 at 5:54 AM, hellen wang <[hellenwang2016@gmail.com](mailto:hellenwang2016@gmail.com)> wrote:

Dear All

Here is the latest package cover letter I sent to all senators ( should all be deceived by Nov 10 based on FedEx tracking ), and most and will be all House members ( some should get today, tomorrow, Friday and next Monday based on tracking). It include tracking numbers for Governors, GOP leader , Agency leader and some major committee leaders. I do not have time to type out all rest tracking number for legislative , but I could do that later.

Also I want to update you about the following recently interview of Gary Locke with NTDV, it just happened before presidential voting. This was included and will be included to all rest house packages, and I will update senators by using email later.

When Gary Locke , the formal United States Ambassador to China was interviewed recently before presidential voting by NTD ( New Tang Dynasty TV station ) on question of whether the documents which Wang Lijun in 2012 handed to USA has organ harvesting related information , he said :

"I am not ... I cannot say ... I am not going to confirm whether or not there were such documents."

美國大選前專訪前駐華大使駱家輝(下)  
專訪駱家輝:王立軍出逃和活摘文件之謎

<http://www.epochtimes.com/b5/16/11/8/n8470472.htm>

記者:王立軍所攜帶的文件是否與活摘器官有關

駱家輝:我不 我不能說 我不會確認是否有這樣的文件存在。

( 英文原文:I am not ... I cannot say ... I am not going to confirm whether or not there were such documents. )

Why he can not say or confirm ? Is it easy to say NO if really not exist ?!!!!

thanks

hong

On Wed, Oct 19, 2016 at 9:03 PM, hellen wang <[hellenwang2016@gmail.com](mailto:hellenwang2016@gmail.com)> wrote:

Here are some update , I dropped a hard copy to Robert Paduchik 's Trump Bethel Road Columbus office last Sunday.

Since Trump is coming to Delaware Ohio tomorrow , I just dropped hard copy package to Robert Paduchik 's home today, and on the cover letter inside package, I did ask Bob to pass the hard copy to Trump.

I will then update my cover letter to include this latest update, send to all Governors and other GOP members. At least 11 states GOP State Leaders ( OH, ME, UT, NH, RI, TX, PA, MD, VA, NJ, FL) should got the hard copy now.

thanks and have a nice day. I will keep you updated.

hong

On Fri, Oct 14, 2016 at 4:28 PM, hellen wang <[hellenwang2016@gmail.com](mailto:hellenwang2016@gmail.com)> wrote:

Hi all

I just finished for today , nice talk to AP Andrew Welsh, left the package to Mike Thompson at WOSU front desk, and talked with NBC4 Neck (hopefully pronounced correctly).

Thank you for review all the materials and hopefully you could publish the truth and protect USA freedom.

I will update my cover letter and then send information to other Governors and / or big donors who are waiting for truth !

Thanks

Hong

Sent from my iPhone

On Oct 14, 2016, at 5:26 AM, hellen wang <[hellenwang2016@gmail.com](mailto:hellenwang2016@gmail.com)> wrote:

Dear Ohio Media

Good morning,  
below is the info I sent to WSYX ABC 6, I will send you another 4 emails which list all details and deliver hard copies for media in Columbus today.

thanks

hong

-----  
Forwarded  
message -----  
From: **hellen**  
**wang**  
<[hellenwang2016@gmail.com](mailto:hellenwang2016@gmail.com)>  
Date: Thu, Oct  
13, 2016 at 9:28  
PM  
Subject: info  
related to Trump  
NJ tower and  
another possible  
reason related to  
Speaker Ryan's  
decision  
To:  
[news@wsyx6.com](mailto:news@wsyx6.com)

Cc:  
[Jesse.Walls@mail.house.gov](mailto:Jesse.Walls@mail.house.gov)  
, Tim  
<[Tim.Alford@mail.house.gov](mailto:Tim.Alford@mail.house.gov)>  
,  
[chris.albanese@ohiohouse.gov](mailto:chris.albanese@ohiohouse.gov)  
,  
[john.fortney@ohiosenate.gov](mailto:john.fortney@ohiosenate.gov)  
,  
[dave.ward@governor.ohio.gov](mailto:dave.ward@governor.ohio.gov)  
,  
[Danyell.Tremmel@mail.house.gov](mailto:Danyell.Tremmel@mail.house.gov)  
,  
[Katie.Donnell@mail.house.gov](mailto:Katie.Donnell@mail.house.gov)

Dear WSYX ABC  
6

My name is  
hong, I am a  
resident at  
Columbus ,  
Ohio. I visited  
DC last Friday  
(10/7) and  
Dropped  
Speaker Ryan  
and several  
other  
legislative a  
hard copy. I  
am not sure

whether this is related to his decision on Trump. Here is the cover letter I sent to majority of congress including Ryan.

I am writing to you to report important information regarding current two presidential candidates. Those information has been reported to Trump, Clinton, all state and federal Congress ( Senators and Representatives) , President Obama, president Bush, John Kerry and State Department, Attorney General and Department of Justice, James Comey and FBI, SEC director , USCIS , Jeh Charles Johnson and

Homeland  
Security, GOP  
Chairman  
Reince  
Priebus, New  
York Governor  
Andrew  
Cuomo,  
Indiana  
Governor Mike  
Pence, Ohio  
Governor John  
Kaisch,  
Supreme  
Court and  
Ohio Supreme  
Court Justices,  
Ohio and New  
York Attorney  
Generals,  
Comptroller  
General and  
GAO, John O.  
Brennan and  
CIA, etc.

Due to several  
of my priority  
mails to  
important  
agency  
directors were  
labeled as pick  
up available ( I  
do not knew  
how that  
comes), I also  
visited  
Washington  
DC on  
10/7/2016,  
talked and  
delivered hard  
copy to GAO  
Comptroller,  
Congress,  
including  
Senator

McConnell,  
McCain,  
Portman,  
Brown, Flake,  
Rubio, Kirk,  
Reid, Ayotte,  
Toomey,  
Graham, Cruz,  
Lee, Sanders,  
Kaine, Lee,  
Congressman  
house speaker  
Ryan,  
McCarthy,  
Scalise, my  
representative  
Stivers, CECC  
Chairman  
Smith, etc.  
Also several  
committees at  
least Armed  
Services and  
Homeland  
Security for  
both house  
and Senator,  
Army, Navy  
liaisons, etc.  
got the  
package. All  
my priority  
mails finally  
delivered as  
well.

I also want to  
let you know  
that **Mike**  
**Pence** knew  
the information  
much earlier  
**BEFORE** he  
was even  
selected as  
Vice President  
Candidate at  
GOP

convention. I submitted to his government web right before he was reported to meet Trump first time in New York several months ago from now. I also submitted to him again right before GOP Cleveland convention. As stated in the letter to him, I hoped that he could raise it to Trump. His government should have this record. I also reported to him and Trump several times from twitter as well. He should had the hard copy as well now.

Please see details included emails titled:

1. Accessory to Murder investigation on Hillary Clinton and State Department ( I

believe it also related to Clinton emails with China using her own server) , they knew and hide Genocide organ harvesting news in China when wang lijun visit US consulate 2012, Up to 1.5 million organ transplants may have taken place in China since 2000, mostly harvested from Falun Gong prisoners of conscience, report says .

2. Original letter to Trump on the morning Corey Lewandowski fired ( Corey should be a potential witness ) Please help investigate: Your daughter Ivaka Trump's best friend , Wendi Deng: ex-wife of Rupert Murdoch, is a Chinese Top level spy (The

general political department), I am very concerned of what is the real reason that Trump fired Corey and whether it is related to my letter to him !

3. FYI Hate Crime of Donald Trump against Muslim

4. National Security of Trump and his Daughter best Friend Wendi Deng top Spy Fwd: More information about QiaoWai, US Immigration Fund also report Wendi Deng to homeland Security. Debbie Wasserman and Obama supported Trump NJ tower Rich Chinese EB5 urgent approved due Hurricane Sandy ! Trump NJ tower Chinese Ads

[http://www.qiaowai.net/zhuanli  
/xzx/](http://www.qiaowai.net/zhuanli/xzx/)

I understand it took time for government to process, but it has been about several weeks now, and they are presidential candidates for USA. Due to time constraint and severity of those issues, I decide to write to you to report those several problems which related to criminal investigation and national security.

Thank you so much for protect US constitution, law, and freedom.

I cc to Ryan's contact.

I also cc to my congressman Steve Stivers's contact, Ohio house speaker contact, Ohio senator President Keith Faber

contact and  
Ohio Governor  
John Kasich  
contact. I  
dropped them  
hard copy  
before as  
well.

I will drop you  
a hard copy  
tomorrow and  
will email you  
the emails  
described here  
( my old email  
[hong.wang1@oh-  
oca.org](mailto:hong.wang1@oh-oca.org) got  
disabled by  
Google due to  
I report those  
to congress so  
I have to use a  
gmail  
account).

Sincerely

Hong Wang  
P.O.Box  
20584  
Columbus OH  
43220

**From:** [Rhatigan, Honora B \(Chris\)](#)  
**To:** [IPO RECORDS](#)  
**Cc:** [USCIS Immigrant Investor Program](#)  
**Subject:** FW: EB-5 article  
**Date:** Tuesday, March 01, 2016 11:45:05 AM

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Can you please pull the file (ID1236250925) and deliver it to my office

**CHRIS RHATIGAN**

Stakeholder Engagement Branch Chief  
(b)(6) Immigrant Investor Program Office, USCIS/DHS

  
[Lync with me](#)  
[Send me an email](#)

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**From:** Fry, Vera L  
**Sent:** Tuesday, March 01, 2016 12:41 PM  
**To:** Rhatigan, Honora B (Chris); Fleischer, Karen E; Spang, Kathryn M  
**Subject:** RE: EB-5 article

<http://www.kushnercompanies.com/businesses/development/65-bay-street>

Hi Chris:

Kushner and Kabr Group are the developers. The address of the project is 65 Bay Street Jersey City, NJ 07302. Project is 50 story luxury apartment tower. 100 526 have been filed. About 17 are pending. The vast majority of the others were approved in 2015. The RC is US Immigration Fun NJ. ID ID1236250925. RC approved 05/29/2013 (I believe at CSC). As an aside, the attorney is Hsien Hao Chang, RC principal is Nicholas Mastriani. Mastriani owns several other RCs as well.

I read the email from the reporter. I believe he is trying to understand how this project qualified for the TEA – what geographic areas were combined to qualify. Each 526 should contain a TEA letter that would offer a detailed description. The note in iClaims for the 924 indicates the following geo information: The territory comprised of Bergen County Essex County Hudson County Middlesex County Monmouth County Passaic County Union County and Morris County in the State of New Jersey.

The 2014 is on the ECN (attached). As to TEA, the EDD states: ***Targeted Employment Area (TEA) Designation***

Yes  No      Application includes TEA letter from the State of New Jersey   Date of letter: 12/28/2012

There will be more detail in the letter. I would ask someone to pull the file and review the TEA letter, or have our PA contact suggest to the reporter that he file a FOIA request for the

TEA letter.

Vera

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**From:** Rhatigan, Honora B (Chris)  
**Sent:** Tuesday, March 01, 2016 11:53 AM  
**To:** Fleischer, Karen E; Fry, Vera L; Spang, Kathryn M  
**Subject:** RE: EB-5 article

I can't find anything for 88 Kushner-KABR

Please check this response for TEA designation (and let me know if there is an EB-5 entity by that name...)

The statute at INA 203(b)(5) governs the definition of "TEA" and the allocation of immigrant visas for investors who invest in a TEA. USCIS has no authority to remove a statutory requirement. Consistent with the regulations, USCIS defers to state determinations of the appropriate boundaries of a geographic or political subdivision that constitutes the targeted employment area. However, for all TEA designations, USCIS must still ensure compliance with the statutory requirement that the proposed area designated by the state in fact has an unemployment rate of at least 150 percent of the national average rate. For this purpose, USCIS will review state determinations of the unemployment rate and, in doing so, USCIS can assess the method or methods by which the state authority obtained the unemployment statistics.

Acceptable data sources for purposes of calculating unemployment include U.S. Census Bureau data (including data from the American Community Survey) and data from the Bureau of Labor Statistics (including data from the Local Area Unemployment Statistics).

We suggest pointing the reporter to the New Jersey Department of Labor and Workforce Development, Office of Labor Planning and Analysis for the list of state-designated TEAs.

#### **CHRIS RHATIGAN**

Stakeholder Engagement Branch Chief  
Immigrant Investor Program Office, USCIS/DHS

(b)(6)

  
[Lync with me](#)  
[Send me an email](#)

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**From:** Holstead, Joseph R (Joe)  
**Sent:** Monday, February 29, 2016 3:32 PM

**To:** Rhatigan, Honora B (Chris)  
**Cc:** Colucci, Nicholas V; Beaudoin, Duane A  
**Subject:** FW: EB-5 article

Good Afternoon Chris:

A reporter from VICE asked if we might be able to walk him through the “....TEA determination for 88 Kushner-KABR in Jersey City?” That is, I had provided him the description of the process from the 2013 policy memorandum, but New Jersey’s Department of Labor and Workforce Development referred him to us as he is apparently looking to learn about our assessment of the state’s determination.

Perhaps there is some general description of our process that we could provide to add some context (or a simple factual response that does not require FOIA)? We do not currently have standard language for TEA assessments in our public affairs guidance document and would appreciate anything you may be able to provide over the next day.

Sincerely,

Joe

**Joseph R. Holstead**

(b)(6)  
Acting Chief, Media Division  
Office of Communications  
U.S. Citizenship and Immigration Services  
Department of Homeland Security

[REDACTED]  
**From:** Ted Hesson [mailto:[REDACTED]]  
**Sent:** Monday, February 29, 2016 2:54 PM  
**To:** Holstead, Joseph R (Joe)  
**Subject:** Re: EB-5 article

(b)(6)

Thank you, Joe. I'll submit the FOIA later today.

From what I see here, it seems as if USCIS is responsible for reviewing and assessing the state's determination, correct? If that's right, is it possible for you all to walk me through the TEA determination for 88 Kushner-KABR in Jersey City?

I will also check back with New Jersey, but they essentially told me the same thing that's in the regulation (that USCIS has final approval over a TEA determination).

Thanks for looking into this.

Best,

Ted

(b)(6)

On Mon, Feb 29, 2016 at 2:43 PM, Holstead, Joseph R (Joe)

[REDACTED] wrote:

Good Afternoon Ted,

There is the expedited FOIA process (page 5: <https://www.uscis.gov/sites/default/files/files/form/g-639instr.pdf>), but that as you know can still be lengthy; otherwise, there is no other method to expedite.

On the TEA question, from our website, following is the pertinent section of our 2013 Policy Memo about which I was thinking

(<https://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/2013/May/EB-5%20Adjudications%20PM%20%28Approved%20as%20final%205-30-13%29.pdf>) :

**A State's Designation of a Targeted Employment Area**

The regulation provides that a state government may designate a geographic or political subdivision within its boundaries as a targeted employment area based on high unemployment. Before the state may make such a designation, an official of the state must notify USCIS of the agency, board, or other appropriate governmental body of the state that will be delegated the authority to certify that the geographic or political subdivision is a high unemployment area. The state may then send a letter from the authorized body of the state certifying that the geographic or political subdivision of the metropolitan statistical area or of the city or town with a population of 20,000 or more in which the enterprise is principally doing business has been designated a high unemployment area. 8 C.F.R. § 204.6(i).

Consistent with the regulations, USCIS defers to state determinations of the appropriate boundaries of a geographic or political subdivision that constitutes the targeted employment area. However, for all TEA designations, USCIS must still ensure compliance with the statutory requirement that the proposed area designated by the state in fact has an unemployment rate of at least 150 percent of the national average rate. For this purpose, USCIS will review state determinations of the unemployment rate and, in doing so, USCIS can assess the method or methods by which the state authority obtained the unemployment statistics. Acceptable data sources for purposes of calculating unemployment include U.S. Census Bureau data (including data from the American Community Survey) and data from the Bureau of Labor Statistics (including data from the Local Area Unemployment Statistics).

Does that help or have I misunderstood the question (of course entirely possible)? Please let me know and I'll resolve that, if so.

Sincerely,

Joe

**Joseph R. Holstead**  
Acting Chief, Media Division

(b)(6) Office of Communications

U.S. Citizenship and Immigration Services  
Department of Homeland Security

[REDACTED]

**From:** Ted Hesson [mailto:[REDACTED]]  
**Sent:** Monday, February 29, 2016 2:05 PM

**To:** Holstead, Joseph R (Joe)  
**Subject:** Re: EB-5 article

Thank you, Joe. I can submit the FOIA, but is there any way to expedite the process and pass along the information in the next few days? I only ask because I've had DHS FOIAs drag on for quite some time in the past (I received a call from ICE today about a 2013 request, oddly enough).

As for the TEA, the NJ Department of Labor and Workforce Development told me this morning that their designation is only a recommendation, and that USCIS makes the final decision. Are you certain the state makes the designation for the project? If so, perhaps you can point me to a resource on the USCIS website explaining that.

Many thanks,

Ted

On Mon, Feb 29, 2016 at 1:43 PM, Holstead, Joseph R (Joe)

[REDACTED] wrote:

Good Afternoon Ted,

Thank you for the note. The I-526 and I-924A forms require a FOIA request. More information from USCIS' FOIA office is available here: <https://www.uscis.gov/about-us/freedom-information-and-privacy-act-foia/uscis-freedom-information-act-and-privacy-act> and, for reference, the following link is to USCIS' electronic reading room: <https://www.uscis.gov/about-us/electronic-reading-room>.

With respect to the Targeted Employment Area (TEA), have you contacted the state? I ask, because each state has the authority to set the geographic boundaries of its TEA designation and a state office should be able to assist. A quick search seems to show that NJ Department of Labor and Workforce Development is the lead: <https://lwd.state.nj.us/labor/lpa/employ/uirate/targetarea.pdf>.

If you have additional questions, please let me know.

Thank you again and

Sincerely,

Joe

**Joseph R. Holstead**  
Acting Chief, Media Division

[REDACTED]

**From:** Ted Hesson [mailto:[REDACTED]]  
**Sent:** Monday, February 29, 2016 11:45 AM  
**To:** Holstead, Joseph R (Joe)  
**Subject:** Re: EB-5 article

Hi Joe,

From what I can tell, I think it would be helpful if you could share the I-526 and I-924A for 88 Kushner-KABR. Is that possible? I'm also interested in documents related to the designation of this part of Jersey City as a Targeted Employment Area.

If you have any questions, you can reach me at [REDACTED]. I'll be reporting today and tomorrow.

Best,

Ted

On Mon, Feb 29, 2016 at 8:33 AM, Ted Hesson <[REDACTED]> wrote:  
Thanks!

On Mon, Feb 29, 2016 at 8:30 AM, Catron, Marsha <[REDACTED]> wrote:  
Hey Ted—I'm adding Joe who can look into this for you.

**From:** Ted Hesson [mailto:[REDACTED]]  
**Sent:** Monday, February 29, 2016 7:51 AM  
**To:** Catron, Marsha <[REDACTED]>  
**Subject:** EB-5 article

(b)(6)

Hi Marsha,

I'm working on a story about EB-5 visas for Vice media. I actually emailed Chris Bentley a few weeks ago and then realized he's no longer with USCIS. Who would be the best person to contact there?

I'm looking for information related to a specific property receiving EB-5 funding, 88 Kushner-KABR in Jersey City. I would also like some general information about the program if it's available, such as the demographics of applicants over the last decade (country of origin and any other available demographic data).

I'm at [REDACTED] if you have any questions. I'll be reporting today and tomorrow.

Best,

Ted

**From:** [Joshua Kushner](#)  
**To:** [USCIS Immigrant Investor Program](#)  
**Subject:** General Inquiry re: I-924 -- Geographical area  
**Date:** Monday, April 18, 2016 12:27:37 PM

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Hello. I have a general inquiry regarding an Initial Application for Designation as a Regional Center. For Section III(3), may the geographical area encompass the entire United States? I know most Regional Centers focus on a particular county, or sometimes an entire state, but our client's project intends to create jobs across multiple state lines... would this qualify?

**Joshua A. Kushner, Esq.**  
**Associate**

(b)(6)



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444 West Ocean Boulevard, Suite 1700  
Long Beach, California 90802

[www.sullivankrieger.com](http://www.sullivankrieger.com)

**From:** Joshua Kushner  
**To:** USCIS Immigrant Investor Program  
**Subject:** Re: RESPONSE: General Inquiry re: I-924 -- Geographical area  
**Date:** Monday, April 18, 2016 12:58:59 PM

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Thank you.

**Joshua A. Kushner, Esq.**  
**Associate**

(b)(6)



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**From:** USCIS Immigrant Investor Program <USCIS.ImmigrantInvestorProgram@uscis.dhs.gov>  
**Sent:** Monday, April 18, 2016 10:54 AM  
**To:** Joshua Kushner  
**Subject:** RESPONSE: General Inquiry re: I-924 -- Geographical area

Dear Joshua Kushner,

USCIS is unable to comment with stakeholders wishing to establish a Regional Center. However, you may find the information you need within the [May 30, 2013, USCIS EB-5 Policy Memorandum](#).

Lastly, you may also find valuable information within the instructions for EB-5 related forms, [Form I-526](#) and [Form I-924](#).

Sincerely,

Immigrant Investor Program  
U.S. Citizenship and Immigration Services  
MS0016

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**From:** Joshua Kushner [mailto:[jkushner@sullivankrieger.com](mailto:jkushner@sullivankrieger.com)]  
**Sent:** Monday, April 18, 2016 1:27 PM  
**To:** USCIS Immigrant Investor Program  
**Subject:** General Inquiry re: I-924 -- Geographical area

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**Joshua A. Kushner, Esq.**  
**Associate**

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Long Beach, California 90802

[REDACTED]  
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**From:** [USCIS Immigrant Investor Program](#)  
**To:** [Joshua Kushner](#)  
**Subject:** RESPONSE: General Inquiry re: I-924 -- Geographical area  
**Date:** Monday, April 18, 2016 12:54:57 PM

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Dear Joshua Kushner,

USCIS is unable to comment with stakeholders wishing to establish a Regional Center. However, you may find the information you need within the [May 30, 2013, USCIS EB-5 Policy Memorandum](#).

Lastly, you may also find valuable information within the instructions for EB-5 related forms, [Form I-526](#) and [Form I-924](#).

Sincerely,

Immigrant Investor Program  
U.S. Citizenship and Immigration Services  
MS0016

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**From:** Joshua Kushner [mailto:[jkushner@sullivankrieger.com](mailto:jkushner@sullivankrieger.com)]  
**Sent:** Monday, April 18, 2016 1:27 PM  
**To:** USCIS Immigrant Investor Program  
**Subject:** General Inquiry re: I-924 -- Geographical area

Hello. I have a general inquiry regarding an Initial Application for Designation as a Regional Center. For Section III(3), may the geographical area encompass the entire United States? I know most Regional Centers focus on a particular county, or sometimes an entire state, but our client's project intends to create jobs across multiple state lines... would this qualify?

**Joshua A. Kushner, Esq.**  
**Associate**

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